

0F227 - P90 Franklin County Ohio Clerk of Courts of the Common Pleas- 2020 Sep 01 4:02 PM-20CV005814

IN THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Hilda Gunter
1620 Lonsdale Road, Apt. 217
Columbus, Ohio 43232

Plaintiff,

Case No. _____

Judge _____

v.

Dollar General
c/o Dolgen Midwest, LLC
Statutory Agent
100 Mission Ridge
Goodlettsville, TN 37072

Defendant,

Jury Demand Endorsed Herein

COMPLAINT

Now comes the Plaintiff, Hilda Gunter, by and through undersigned counsel, and for her Complaint, alleges and avers as follows:

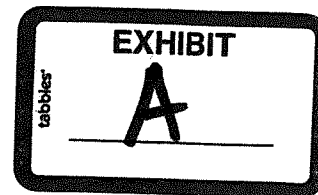
I. Causes of Action

Facts Common to All Causes of Action

1. At all relevant times herein, Plaintiff, Hilda Gunter (hereinafter "Gunter") was a resident of the State of Ohio, City of Columbus, and County of Franklin.
2. At all relevant times herein, Defendant Dollar General (hereinafter "Dollar General") is a company doing business in the State of Ohio, City of Columbus, and County of Franklin.

First Cause of Action:

3. Plaintiff hereby incorporates paragraphs 1 through 2 of her Complaint as if fully rewritten herein.



4. On or about May 31, 2020, Gunter entered the Dollar General store located at 5950 E. Livingston Avenue, Columbus, Ohio 43232 ("Property") where she slipped and fell on a rubber mat. As a result of the fall, Gunter hit her head and broke her left wrist and right toe. *See*, Customer Incident Report attached hereto as Exhibit A.

5. Gunter was unable to discover the unsafe rubber mat because she was focused on entering the property.

6. Although Dollar General knew or should have known of the hazardous condition, Gunter was unable to discover the defective and negligently placed rubber mat because she was focused on entering the property.

7. As a direct and proximate cause of the Defendant, Gunter suffered bodily injury, some of which may be permanent, along with pain, mental anguish and emotional distress.

8. As a further direct and proximate result of the Defendant's negligence, Frankie Brown incurred special damages including past, present, and future medical expenses and out-of-pocket expenses.

FIRST CLAIM
(Negligence)

9. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully rewritten herein.

10. Dollar General had a duty to maintain, repair and keep all areas of the Property in a safe condition and to otherwise safely and properly maintain its rubber mats to prevent injuries to customers like Gunter.

11. Dollar General had a common law and/or statutory duty to properly maintain the property.

12. Dollar General owed a duty to Gunter to properly maintain its rubber mats at the

Property; Dollar General affirmatively created the defect or nuisance and/or negligently maintained the defective and dangerous condition; and Dollar General negligently permitted the defective condition to exist.

13. Dollar General breached its duty to Gunter by failing to maintain, negligently maintaining and/or failing to maintain its rubber mats at the Property. Dollar General also breached its duty by failing to warn Gunter of the dangerous condition.

14. Because Gunter was an invitee, Dollar General owed a duty to Gunter to maintain the rubber mats at the Property in a reasonably safe manner and/or to warn Gunter of defects.

15. Gunter was also a frequenter as defined by R.C. 4101.11. Dollar General owed a duty to Gunter pursuant to R.C. 4101.11 to do everything reasonably necessary to protect the life, health, safety and welfare of frequenters like Gunter when she came to the Property, and/or to warn of dangerous conditions at the Property.

16. As a direct and proximate result of Dollar General's breach of its duty, Gunter was severely injured and is entitled to damages.

17. As a further direct and proximate result of the aforesaid negligence, Hilda Gunter has undergone a great deal of pain and suffering in connection with the above referenced injuries. In addition, she has been unable to participate in many pleasurable activities which she enjoyed prior to this incident.

WHEREFORE, Plaintiff, Hilda Gunter, prays for judgment against Defendant, on her claims herein in an amount in excess of \$25,000.00 for the injuries and other damages, including medical expenses, costs and such other relief as may be appropriate.

Respectfully submitted,

/s/ Brian M. Garvine
BRIAN M. GARVINE (0068422)
Attorney for Plaintiff
Law Office of Brian M. Garvine, LLC
5 East Long Street, Suite 1100
Columbus, OH 43215
614/223-0290 Fax: 614/221-3201
E-mail: brian@garvinelaw.com
Counsel for Plaintiff

JURY DEMAND

Now comes Plaintiff and demand that the issues herein be tried to a jury of eight (8).

/s/ Brian M. Garvine
BRIAN M. GARVINE (0068422)
Attorney for Plaintiff

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DOLLAR GENERAL

CUSTOMER INCIDENT

OH-Y56-S4M

Today's Date: 5-31-2020 Store#/Address: #17278 5950 E Livingston Ave
 Customer Name: Hilda Guter Social Security #: _____
 Home Address: 1020 Longsdale Castleton Garden
 City: Columbus State: OH Zip: 43232 Phone #: 614-951-5029
 Date Of Birth: 7-1-46
 Store Manager Name: Mindy William Store Mgr Work Phone: 740-804-3905
 District Manager Name: Toyin Ademiyi District Mgr Work Phone: 615-559-8952
 Date of incident: 5-31-2020 Time of Incident: 12:56 ☐ AM ☒ PM Day of Week: Sunday
 Date/Time Reported: 12:56 ☐ AM ☒ PM Name of Manager: Mindy William
 Reported To: _____

CUSTOMER COPY

A Claim Representative will contact you regarding your incident.

If you have any questions, please contact Dollar General Risk Management at:

1-800-456-9446

